

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEREMY M. SIPE, :
Plaintiff :
v. : Case No. 3:23-cv-185-KAP
CLEARFIELD COUNTY JAIL, *et al.*, :
Defendants :
:

Memorandum Order

I dismissed the complaint in this matter in May 2024 as to four of five defendants for plaintiff's failure to state a claim (as to one of those defendants without prejudice to proceeding in state court) and dismissed this matter in July 2024 as to the fifth remaining defendant, Miller, for failure to prosecute. I stated:

The remaining portion of the complaint is dismissed without prejudice. If Sipe contacts the Court or Clerk, the Clerk shall provide him a copy of this order and ECF no. 20. Sipe can then move to reopen this matter, showing cause for his failure to prosecute. Defendant Miller may reply within twenty days of any motion to reopen. If Sipe does not move to reopen this matter before the running of the limitations period, I will dismiss the complaint with prejudice as to Miller.

The *prima facie* limitations period ran on December 31, 2024. I will not repeat the July 2024 balancing of the six factors enumerated in Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984). When a litigant's failure to comply with an explicit order – which includes meeting specific deadlines – makes adjudication of the case impossible, such balancing of the six *Poulis* factors is superfluous. *See Azubuko v. Bell National Organization*, 243 Fed.Appx. 728, 729 (3d Cir. 2007). The remainder of the complaint (the claim against Miller) is dismissed with prejudice. The Clerk shall provide a copy of this order to plaintiff if he contacts the Court.

DATE: February 20, 2025


Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel